

**IN THE COURT OF COMMON PLEAS OF HANCOCK COUNTY, OHIO  
PROBATE DIVISION  
Rules**

**COURT APPOINTMENTS**

**Local Rule 8.1      Appointment Process**

The Court shall make appointments from its appointment lists in a manner that will best assure the equitable distribution of appointments among the qualified appointees. The Court shall review the court appointment lists at least twice annually to ensure the equitable distribution of appointments. The Court's selection process will consider the qualifications, skill, experience, availability and current caseload of the appointee in addition to the type, complexity, and special. If all other factors are equal, the Court will make appointments on a rotating basis.

**COURT SECURITY PLANS**

**Local Rule 9.1      Court Security**

The Hancock County Probate Court has worked in conjunction with the Hancock County Court of Common Pleas Court General Division and the Hancock County Sheriff in adopting and maintaining court security procedures as required by Sup. R. 9.

**Local Rule 9.2      Weapons Prohibited**

- A. No person, with the exception of those persons listed in section B of this rule, may convey or attempt to convey, possess or have under his or her control a deadly weapon or dangerous ordnance in the Hancock County Courthouse or in another building or structure in which a Hancock County Courtroom is located. This prohibition includes those persons licensed to carry a concealed weapon pursuant to R.C. 2923.125 or 2923.1213.
- B. The following persons are permitted to convey, possess or have under their control a deadly weapon or dangerous ordnance in the Hancock County Courthouse or in another building or structure in which a Hancock County Courtroom is located:
- (1) A judge or magistrate of a court of record of Ohio
  - (2) A peace officer who is authorized to carry a deadly weapon or dangerous ordnance, who possesses that weapon or ordnance as a requirement of that peace officer's individual duties, and who is acting within the scope of his or her duties at the time of possession
  - (3) A person who conveys, attempts to convey, possesses or has under his or her control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceeding
  - (4) A bailiff of the court or court constable authorized to carry a firearm by R.C. 109.77 who possess or has under his or her control a firearm as a requirement of his or her duties and who is acting within the scope of his or her duties at the time of possession.
  - (5) A prosecutor appointed by a county prosecuting attorney, who is authorized to carry a deadly weapon or dangerous ordnance in the performance of his or her duties, who possesses or has under his or her control a deadly weapon or dangerous ordnance as a requirement of his or her duties, and who is acting within the scope of his or her duties at the time of possession or control.
- C. This courthouse does not provide the service of securing handguns, except to authorize law enforcement personnel.

## **HOURS OF THE COURT**

### **Local Rule 53.1 Court Hours**

The Probate Court and its offices shall be open for the transaction of business each Monday, Tuesday, Thursday and Friday from 8:00 A.M. to 4:30 P.M. The Probate Court opens at 8:30 a.m. on Wednesdays. The Probate Court shall be closed Saturday, Sunday, and legal holidays and other days as may be designated by the Court.

## **CONDUCT IN THE COURT**

### **Local Rule 54.1 Expectations**

Proper decorum in the Court is necessary to the administration of the Court's function, and any conduct which interferes or tends to interfere, with the proper administration of the Court's business is prohibited.

#### **A. Dress Code**

All persons having business with the Court should dress appropriately for the importance of the occasion.

#### **B. Treatment of Others**

Before, during, and after any formal or informal proceeding, all persons must communicate with each other in a respectful and dignified manner.

#### **C. No Disruptions**

No person may engage in any conduct that is distracting or disruptive to the business of the Court. All mobile phones, pagers, and other electronic devices must be placed on silence or vibrate, or turned off, while in Court.

### **Local Rule 54.2 Recordings**

No radio or television transmission, voice recording device, or the making or taking of pictures shall be permitted without the expressed consent of the Court in advance. This rule does not prohibit an official court reporter or the court from making an official record of the proceedings.

## **EXAMINATION OF PROBATE FILES**

### **Local Rule 55.1 Public Records**

All public records in our Court are open and available for examination by any person in compliance with this Rule. Public records are those that are not designated as confidential by law or Court Order.

#### **A. No Removal**

Probate Court records shall not be removed from the Court, except upon approval in writing by the Probate Judge or Deputy Clerk of the Court. Violation of this rule shall result in a citation for contempt being issued.

#### **B. Copies**

Copies of any public records may be obtained during the Court's normal business hours. The Court charges \$0.05 per page for a photo copy. Copies of probate hearings that are open to the public may be obtained on a compact disc for the fee of \$10.00 per case.

### **C. Adoption and Mental Illness Proceedings**

All adoption and mentally ill records are confidential. Access to them may only be authorized by the Court.

### **D. Citations**

A Citation for contempt of Court shall be issued against anyone who divulges or receives confidential information from adoption, mental illness, and intellectual disability records without authorization of the Court.

## **MOTIONS, HEARINGS, AND CONTINUANCES**

### **Local Rule 56.1 Extensions**

#### **A. Format**

All motions for continuances shall be submitted in writing with the proper case heading and number at least three (3) days prior to the hearing date.

#### **B. Reasonable Notice or Consent**

No continuance shall be granted in the absence of proof of reasonable notice to or consent by the adverse party or his counsel, except upon the Court's own motion. Failure to object to the continuance within a reasonable time shall be deemed consent thereto.

#### **C. Reasonable Notice or Consent**

A judgment entry shall be filed with any motion for continuance leaving the time and date blank for the Court to set a new date.

## **FILINGS AND JOURNAL ENTRIES**

### **Local Rule 57.1 General**

All filings must be received within the time required by law, subject to an extension. Late filings will subject the Fiduciary and the Fiduciary's attorney to compliance enforcement.

### **Local Rule 57.2 Content of Filings**

All documents filed in any case in this Court must satisfy all the following requirements. The Court may decline to accept any filing that fails to comply with these requirements.

#### **A. Typewritten**

All documents filed in this Court must be typed or printed and clearly titled.

Except for wills, all decedent estate filings should be free of staples and on 8 ½ x 11 paper of stock that can be microfilmed without backings. Document backings shall be removed from all documents prior to filing. All double-sided forms must tumble.

The electronic format of any filing received by the clerk whether in paper form and subsequently scanned into an electronic format or received in an original electronic format, shall constitute the official record in the case.

## **B. Contact Information**

All papers filed in the Probate Court shall contain the name, address, telephone number, and attorney registration number of the individual counsel representing the fiduciary. In the absence of counsel, all papers must list the name, address, and telephone of the fiduciary. The filing of any paper not containing the above requirements may be refused by the Court.

## **C. Notice of Fiduciary's Current Address**

Every fiduciary shall sign and file with the Court a statement of permanent address pursuant to ORC § 2109.21 (F). Every fiduciary shall notify the Court of any change of address promptly. Failure of the fiduciary or the fiduciary's counsel to notify the court of his current address shall be grounds for removal.

## **D. Partial or Illegible Signatures**

Filings containing partially or wholly illegible signatures of counsel, parties, or officers administering oaths may be refused to filing, or if filed, may be stricken from the files, unless the typewritten or printed name of the person whose signature is purported to appear below is clearly indicated thereon. The provision of this rule applies to sureties on bonds.

## **E. Judgment Entry**

Unless the Court otherwise directs, counsel for the party in whose favor an order, decree, judgment, or opinion is rendered shall, within seven (7) days thereafter, prepare the proper judgment entry and submit it to counsel for the opposite party, who shall approve or reject it within three (3) days after the receipt thereof. When approved by counsel, it shall be endorsed and submitted to the Court. If counsel do not agree upon the entry, the matter shall be submitted to the Court for instructions as to the proper entry.

Upon failure to comply with this rule, the Court may prepare and file the appropriate entry at the Court's sole discretion.

## **Local Rule 57.3 Personal Information**

Upon the filing or submission of a case document, a party shall omit personal identifiers from the document.

- A.** "Personal Identifiers" means social security number, except the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers.
- B.** When personal identifiers are omitted from a case document submitted to the court, the party shall submit or file that information on a separate form. Redacted or omitted personal identifiers shall be presented to the court upon request or to a party by motion.
- C.** The responsibility for omitting personal identifiers from a case document submitted to the court or filed with a clerk pursuant to this rule shall rest solely with the party. The Court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.

## **Local Rule 57.4 Estate Tax Filings**

All estate tax filings in the Probate Court shall conform to the requirements of the ORC § 5731.90. If the date of death is on January 1, 2013, or after, no Ohio Estate Tax Return is required.

## Local Rule 57.5 Fax or Email Filings

Filing of documents subsequent to an original complaint and prior to a final Judgment Entry and other filings not requiring a security deposit may be filed with the Probate Clerk by facsimile transmission to (419) 424-7898 or email transmission to [Probate@co.hancock.oh.us](mailto:Probate@co.hancock.oh.us).

This rule applies to cases involving all areas of the Court's jurisdiction, except, any document in whole or part under seal, pleadings pursuant to appeal and filings requiring a deposit, documents required to be certified, notarized, or documents intending to initiate a case, such as but not limited to complaints, applications to probate will and accompanying documents, applications for relief from administration, applications to change name, marriage license applications, applications to appoint guardian, application for emergency guardianship, applications for minor settlement, applications for removal of fiduciary, or any other documents as the clerk deems necessary are not permitted to be filed via facsimile or email.

A. Any facsimile filing shall be preceded in transmission by a cover page, which includes the following information:

- a. Caption of the case;
- b. Case number;
- c. Assigned Judge/Magistrate;
- d. Description of the document being filed;
- e. Attorney name, address, Supreme Court of Ohio registration number, telephone number, and fax number;
- f. Date and time of fax initiation;
- g. Transmitting fax number; and
- h. Number of pages, including the cover page, being transmitted.

If a facsimile filing is sent by fax to the Clerk of Court without the cover page as designated in this rule, the Clerk, at their discretion, may deposit the document in a file of failed faxed documents with a notation as to the reason for the failure. In this instance, the document **shall not** be considered filed with the Clerk of Courts. The Clerk of Courts is not required to notify the transmitting party of a failed fax filing.

- B. A document filed by facsimile or email shall be accepted as the effective original document and shall be considered filed with the Court as of the date and time the Juvenile Clerk file stamps the document during regular hours, as opposed to the date and time of the fax transmission that is imprinted by the facsimile machine or the date the email is sent.
- C. The original documents and cover page filed by facsimile or email shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.
- D. Facsimile filings shall not exceed ten (10) pages in length, excluding the cover sheet.
- E. Exhibits shall be filed with the Clerk as a separate document no later than five (5) Court days following the filing of the original fax document or email transmission.
- F. In accordance with Civ. R.5 (E), any signature on the fax filing or emailed transmission shall be considered to be authentic. If it is established that any transmission was made without authority, the Court

shall Order the filing stricken. Any document requiring a signature shall either contain the signature on the source document at the time of transmission or be submitted without the signature by the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

- G. Copies to Serve: The party filing documents by fax shall not transmit copies by fax to the clerk for service upon other parties but shall provide service directly upon all necessary parties.
- H. This Local Rule has been instituted solely as an accommodation to persons filing documents with the Probate Court. The person making the facsimile or email filing shall bear all risk of transmitting a document by facsimile or email, including all risk of equipment failure.

## **Local Rule 57.6 Electronic Filing Of Court Documents**

A. DEFINITIONS. The following terms used in these rules are defined in this section:

1. CLERK REVIEW. A review of electronically filed documents by the clerk of courts in accordance with court rules, policies, procedures, and practice. Court clerks may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
2. CASE MANAGEMENT SYSTEM (CMS). A court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
3. COURT ELECTRONIC RECORD. This is any document that a court will:
  - a. receive in electronic form,
  - b. record in its case management system, and
  - c. store in its document management system.

This may include documents received in paper form and scanned into the court's DMS (see below). This will include notices and orders created by the court as well as pleadings, other documents, and attachments created by practitioners or parties. It will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

4. COURT INITIATED FILINGS. These are official court documents entered into the docket or register of actions, such as notices or orders. The term "court-initiated filings" is a simplification to indicate that documents will be internally created and submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the court so desires.
5. DESIGNATED EFILE CASE TYPES. Until such time as the court designates all filings on all cases as mandatory eFile case types, the court will designate certain cases or types of filings as mandatory, discretionary, or prohibited.
  - a. Mandatory eFile Case Types. These are case types and filings that shall be submitted via the eFiling system. Hancock County Rules of Court (Civil) 21
  - b. Discretionary eFile Case Types. These are case types and/or filings that may be submitted via the eFiling system.
  - c. Prohibited eFile Case Types. These are case types and filings that may not be filed electronically and shall be presented in paper form via traditional means via U.S. Mail or at the clerk's counter.
6. DOCUMENT. A filing made with the court or by the court in either electronic format or scanned from paper, thus becoming part of the court's official record.
7. DOCUMENT MANAGEMENT SYSTEM (DMS). A DMS manages the receipt, indexing, storage, and retrieval of the electronic (and scanned non-electronic) documents associated with a case.
8. EFFECTIVE DATE AND TIME OF FILING OF A DOCUMENT. The date and time the electronic filing was received and uploaded to the clerk of court as noted by the time stamp on the submitted document.

9. **ELECTRONIC FILING (EFILE / EFILING).** The electronic transmission, acceptance, and processing of a filing, referring collectively to the act of submitting documents electronically as well as the procedures and computer systems required to support said filing. A submission consists of data, one or more documents, and/or images. This definition of electronic filing does not apply to facsimile or email.
10. **ELECTRONIC FILING SYSTEM.** This is the system composed of software, hardware, transport, handling, storage mechanisms, procedures, and rules to allow for the submission of eFile documents.
11. **ELECTRONIC SERVICE (ESERVICE).** The electronic transmission of an original document to all other registered case participants via the electronic filing system or by other electronic means, such as email. Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.
12. **ORIGINAL DOCUMENT.** The electronic document received by the court from the filer.
13. **REJECTED FILING.** A document that does not comply with the applicable court rules, policies and procedures and does not meet the requirements of clerk review.

**B. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS**

1. All pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders, or other documents submitted in designated eFile case types shall be filed electronically through the court's electronic filing system. The clerk shall not accept or file any document in paper form in mandatory eFile case types from litigants represented by counsel.
2. In conformity with the Revised Code, Civil Rule 5(E), Criminal Rule 12(B) and the Rules of Hancock County Rules of Court (Civil) 22 Superintendence for the Courts of Ohio, complaints, pleadings and other documents may be filed with the clerk of court electronically via the Internet, subject to the provisions in this rule.
3. **APPLICATION OF RULES AND ORDERS.** Unless otherwise modified by approved stipulation or court order, all rules of civil, criminal, and appellate procedure, local rules, and orders of the court shall continue to apply to all documents electronically filed.
4. **COURTESY COPIES.** Paper courtesy copies of documents filed electronically shall not be delivered to the court, unless specifically requested by the Court or required by applicable rules.

**C. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS**

1. For all designated eFile case types, the court shall issue, file, and serve pursuant to Civ.R. 4 all pleadings, notices, orders, and other documents using traditional certified mail service, subject to the provisions of this rule.
2. For all designated eFile case types, the filer shall file and serve Civ.R. 5 notices, orders, and other documents using courier, mail, or electronic means. Proof of service must be filed with the clerk.

**D. DESIGNATION OF ELECTRONIC FILING CASES**

1. Upon the designation of any particular case type as an eFile case or filing, the parties to that case who are represented by counsel shall promptly take steps to allow their counsel to file, serve, receive, review, and retrieve copies of their pleadings, notices, orders, and other documents filed in the case electronically. By definition, parties filing electronically or receiving electronic service of any documents filed must become participants in the court's electronic filing system.
2. For eFile case types designated as mandatory, the court shall not accept or file any pleadings or instrument in paper form. Parties represented by counsel shall eFile a document by registering to use the court's electronic filing system.

**E. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER.**

The court's electronic filing system shall assign the party's designated representative(s) a confidential and unique electronic identifier that must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. Each person to whom a unique identifier has been approved shall be responsible for the security and use of such identification. All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the satisfaction of the court, by clear and convincing evidence, to the contrary.

**F. PRO SE LITIGANTS.**

All filings by parties appearing pro se shall be filed and served in paper form, unless the party petitions the court, and the court allows the party, to file and serve Hancock County Rules of Court (Civil) 23 electronically, in which case the party may do so through the court's electronic filing system. The clerk of courts shall scan the paper document and, as required by applicable rules, may return the paper copy to the pro se litigant, retain the original paper copy, or take other actions the clerk deems appropriate.

**G. OFFICIAL COURT RECORD**

1. For case types designated for electronic filing, parties shall file all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, notices, orders, or other documents electronically through the court's electronic filing system.

2. For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the official court record.

3. Electronically filed papers have the same force and effect as those filed by traditional means.

**H. FORM OF DOCUMENTS ELECTRONICALLY FILED**

**1. FORMAT OF ELECTRONICALLY FILED DOCUMENTS.**

All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in any other format as the court may require from time to time. A filed pleading shall not be filed as a scanned image document. Such pleadings shall be filed in a PDF format that permits word searches. A filed document shall not contain links to other documents or references in the court's case management system, unless they are incorporated into the filed document. External links are prohibited.

**2. LOCATION OF DATE AND TIME STAMP.**

Filers must leave a marginal location at the top right of each page for date and time stamps. This blank space must be no less than 2-1/2 inches wide and 3/4 inch high.

**3. PORTABLE DOCUMENT FORMAT.**

All electronically filed documents, pleadings, and papers shall be filed with the clerk in portable document format (PDF) with the exception of proposed orders. Proposed orders must be submitted in Word [.doc or .docx] and reference the specific motion to which it applies. The electronic filing system will electronically transmit the proposed order to the assigned judge or judicial hearing officer.

**4. SIZE OF FILING.**

Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size. The formatting requirements and limitations set forth in section 1.03 of these rules apply to electronically filed documents.

**5. RESOLUTION OF FILING.**

Documents shall be submitted in a resolution not less than 300 dots per inch (DPI).



## 6. SIGNATURES Hancock County Rules of Court (Civil) 24

### a. ATTORNEY/FILING PARTY SIGNATURE.

Documents filed electronically with the clerk that require an attorney's or filing party's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney conformed signature is as follows: /s/ Attorney Name Attorney's Name Bar Number OOXXXXX Attorney for (party) Law Firm Address Telephone number Email address Fax number (if any) The conformed signature on an electronically filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, and/or any other law, rule of court, or local rule of practice or procedure.

### b. MULTIPLE SIGNATURES.

When a stipulation or other document requires two or more signatures: (i) The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line. (ii) The filing party or attorney then shall file the document electronically, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

**c. THIRD-PARTY SIGNATURES.** Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) shall be electronically filed only as a scanned image.

**d. JUDGE/JUDICIAL OFFICER SIGNATURE.** Electronic documents may be signed by a judge or judicial officer via a digitized image of his or her signature. All orders, decrees, judgments, and other documents signed in this manner shall have the same force and effect as if the judge or judicial hearing officer had affixed his or her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

## I. REMOVAL OF METADATA AND PERSONAL AND PRIVATE INFORMATION

1. Metadata includes information about the document and its contents, such as the author's name, keywords, and copyright information, used by search utilities. Metadata is invisible information retained as a document is being drafted, edited, and refined, including changes made, when, and by whom.
2. The clerk of courts has no obligation and shall not be responsible for removing metadata or any personal and private or confidential information contained in a document that is electronically Hancock County Rules of Court (Civil) 25 filed.
3. The following warning shall be posted on the court's e-filing portal: "WARNING: Removal of document metadata is the responsibility of the filer. Any document metadata remaining may become part of the public record." The failure to post this warning on the court's e-filing portal does not change or alter the responsibility of the filer and does not impose any obligation on the clerk of courts or the court.
4. Any person, by utilizing the court's e-filing system, consents to defend, indemnify and hold harmless the Hancock County Court of Common Pleas, the Clerk of Courts, the Hancock County Board of Commissioners, and all of their judges, deputy clerks, agents, and employees, from any and all damages that may result from the theft or misuse of personal and private or confidential information, whether visible or hidden in or contained within the metadata of a document presented for electronic filing.
5. Judges and judicial staff should remove metadata from any orders, judgment entries, or other filings where the judge deems it advisable to remove all prior versions of or any other information about that document.
6. The following information on removing metadata is available from Adobe.com. The court does not make any representations regarding the content of any of the following information and is not responsible for maintaining any of the following information. The following information is set forth for informational purposes only: Sanitization-Remove hidden data from PDF files with Adobe® Acrobat® XI. With a single

click, find and delete all hidden data in a PDF file, including text, metadata, annotations, form fields, attachments, and bookmarks. (a) At the top right in Acrobat, click the Tools pane. Open the Protection panel. (b) The sanitation tools are listed under the heading Hidden Information. To permanently remove items such as metadata, comments, and file attachments, select Sanitize Document. Click OK. To have more control over what is removed, select Remove Hidden Information. (c) Type a name for your file, and click Save. To learn more about removing confidential data from PDF files, see Redaction-Remove visible data from PDF files with Acrobat XI. Filers may refer to the many on-line resources, such as: [www.prepressure.com/pdf/basics/metadata](http://www.prepressure.com/pdf/basics/metadata) [www.youtube.com/watch?v=3xPnLhdyuZQ](http://www.youtube.com/watch?v=3xPnLhdyuZQ) <https://support.office.com/en-us/article/Remove-hidden-data-and-personal-information-by-inspecting-documents-356b7b5d-77af-44fe-a07f-9aa4d085966f>

## J. TIME FOR FILING AND EFFECT OF USE OF EFILE

1. Any document filed electronically shall be considered as filed with the court when the Hancock County Rules of Court (Civil) 26 transmission of the court's electronic filing system is complete ("effective date and time") and payment, if required, has been successfully tendered electronically. An electronic filing may be submitted to the clerk twenty-four hours a day, seven days a week. Nonetheless, the ability to file seven days a week shall not advance the date within which any document must be filed to a date on which the clerk of courts is not open (that is, on a weekend, legal holiday, or other closure). Further, on the date on which a document must be filed, the document may be electronically filed up until 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect on that date. Any document filed after 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time shall be deemed to have been filed on the next day. The court's electronic filing system is hereby appointed as the agent of the Hancock County Clerk of Courts for the purpose of electronic filing, receipt, service, and retrieval of electronic documents.
2. Upon receipt of a filing, the court's electronic filing system shall issue a confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing.
3. A filer will receive subsequent notification from the clerk of courts that the filing has been ACCEPTED, placed in a PENDING status, or REJECTED by the clerk's office for docketing and filing into the general division's case management system. Each document will receive an electronic stamp. When the filing is ACCEPTED by the clerk, this stamp will include the date and time that the filer transmitted the document to the court's electronic filing system as well as the unique confirmation number of the filing.
4. The clerk of courts shall review all filings to determine compliance with applicable court rules, policies, procedures and practices. The clerk may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
5. If a filing is found to have any missing element or to not otherwise comply with court rules, policies, procedures and practices, the clerk of courts may place the document in a PENDING status and transmit a notice to the filer. The filer will have two business days to complete the filing. If the filing is completed within two business days, it may be ACCEPTED by the clerk, and the filing will be deemed effective and completed on the date on which it originally was electronically filed. If the filing is not completed within two business days, it will be moved from PENDING status to REJECTED status.
6. In the event that the submitted document is REJECTED by the clerk following review, the document is not filed and shall not become part of the official court record, and the filer will be required to re-submit and file the document to meet any filing requirements or deadlines.
7. All documents submitted for e-filing shall not be considered a public record until ACCEPTED by the clerk following review.

**K. SYSTEM FILING ERRORS**

1. If the electronic filing is not filed with the court because of an error in the receipt of the document by the court's electronic filing system due to circumstances under the court's or clerk of Hancock County Rules of Court (Civil) 27 court's control, the court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date it was sent electronically.
2. In the event of a technical failure which renders the clerk of court's eFiling interface nonfunctional for more than one hour, the clerk may provide notice on its website indicating the anticipated resolution time and what steps filers should take in the interim. At the discretion of the clerk or by order of a judge of the court, these steps may include a period of time where paper filing is required or permitted.

**L. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS.**

Whenever a document is filed electronically through the court's electronic filing system, the system will generate a notification of electronic filing to the filing party or its designated counsel.

**1. COMPLAINT AND RELATED DOCUMENTS.**

Upon electronically filing the original complaint, third party complaint, or any pleading that adds a new party, the filing party shall also electronically file instructions for service. The clerk shall issue a summons and process in the designated method of service in accordance with the Civil Rules.

**2. SERVICE OF DOCUMENTS AFTER THE COMPLAINT**

a. **ESERVICE.** The electronic service of a subsequent pleading, filing or other documents in eFile cases shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under former rules. Pro se parties or attorneys who have not registered with the court's electronic filing system shall be served a paper copy by the filing party, not the court or clerk, in accordance with the applicable rules of civil procedure

**b. CERTIFICATE OF SERVICE**

A certificate of service on all parties entitled to service is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled. The certificate of service shall contain the following language: I hereby certify that I served the documents by process server, regular U.S. mail, commercial carrier, or electronic means (whichever is applicable) to the following (list of parties served).

**c. SERVICE OF PROPOSED ENTRIES AND ORDERS**

It shall be the responsibility of the filing party, not the court or clerk, to serve all proposed entries and orders submitted to the court for signature on all parties. Proposed orders should include a certificate of service as set forth in section (L)(2)(b) of this rule.

**3. SERVICE ON PARTIES-TIME TO RESPOND OR ACT**

eService shall be deemed complete at the time a document has been received by the court's electronic filing system as reflected by the effective date and time appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of time to respond to the served document or perform any right, duty, or act shall be strictly governed by the applicable rules of the court.

**4. FAILURE OF ELECTRONIC SERVICE**

If the e-filing system fails to generate the Notice Hancock County Rules of Court (Civil) 28 of Electronic Filing, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.

**M. CONVENTIONAL FILING OF DOCUMENTS**

1. Notwithstanding the foregoing, the following types of documents may be filed conventionally, unless expressly required to be filed electronically by the court:

**a. CONFIDENTIAL INFORMATION**

Personal data identifiers should be filed under separate cover in accordance with section 2.05 of these rules.

**b. DOCUMENTS FILED UNDER SEAL**

A motion to file documents under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed with the clerk of courts in paper form.

**c. DOCUMENTS TO BE PRESENTED TO A COURT IN CAMERA**

Documents to be presented to a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents shall be filed with the clerk of courts in paper form.

**d. EXHIBITS**

Exhibits or other items that may not be comprehensibly viewed in an electronic format may be filed and served conventionally.

**N. COLLECTION OF FILING DEPOSIT AND FEES**

1. The clerk of courts shall assess normal filing fees, and case deposits will be collected via a financial transaction device (electronic means) at the time the filing is processed. Any fees or charges associated with the payment of fees or costs via financial transaction device (electronic means) shall be the responsibility of the filer and shall be paid at the time the filing is processed.
2. Any document requiring payment of a filing security deposit or a fee to the clerk of courts in order to achieve valid filing status shall be filed and paid electronically in the same manner as any other eFile document.
3. The electronic filing system will establish a means to accept payment of deposits and fees electronically, including the process for filing an affidavit of indigence.
4. The clerk shall charge for the printing of pleadings, notices, orders, and other copies for service at the page rates as posted in the clerk of courts fee schedule current as of the effective date and time of filing.

**O. PUBLIC ACCESS TERMINAL**

The public can view electronically filed documents in the clerk's office. Users shall be charged for printed copies of documents at the page rates as posted in the clerk of courts fee schedule. Hancock County Rules of Court (Civil) 29 Rule

**Local Rule 57.7 Electronic Record Is Official Court Record**

A. DEFINITIONS. See Local Rule 1.37 for definitions of terms used in this section.

**B. OFFICIAL COURT RECORD**

1. As of April 4, 2022, the electronic record of the court's case files, stored in the court and clerk's Case Management System and Document Management System will constitute the Official Court Record of the Court.
2. An electronic record is any document that a court will:
  - a. receive in electronic form,
  - b. record in its case management system, or
  - c. store in its document management system.
3. The Electronic Record may include documents that have been electronically filed as well as documents filed in paper format that have been scanned and uploaded to the electronic filing system.
4. The Electronic Record will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

5. Although there may be a physical case file associated with a case, the electronic case record will serve as the Official Court Record.
6. For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the Official Court Record.
7. Electronically stored documents have the same force and effect as those traditionally stored in tangible form.
8. Any records that exist in only paper form will constitute the Official Court Record.

**C. RECORD LONGEVITY**

1. The court and court clerk will establish an Electronic Records Management methodology, including the storage of Metadata, a "Continuum of Care" of the records for preservation over time, and redundant storage mechanisms to ensure the near-term preservation of the court record in the event of a localized natural or man-made disaster.
2. With the introduction of this robust and fault tolerant storage methodology, the need for microfilming of court records has been eliminated.
3. The retention schedule for each case type shall be considered permanent unless otherwise Hancock County Rules of Court (Civil) 30 noted in these rules or in the Rules of Superintendence.

**Local Rule 57.8 Signatures**

Documents filed with Probate Court that include copies of signatures instead of original signatures shall be considered authentic. If it is determined that any signature in a filing was not made with authority the court shall order that filing to be stricken.

**DEPOSIT FOR COURT COSTS**

**Local Rule 58.1 Court Costs**

**A. Cost Schedule**

Deposits in the amount set forth in Appendix A attached hereto shall be required upon the filing of any actions and proceedings listed herein.

**B. Affidavit of Inability to Prepay Court Costs**

Applications accompanied by an affidavit of the applicant of inability to prepay or give security for court costs shall be accepted without the necessity of such deposit. However, the applicant shall exert diligent efforts to make funds available from the probate estate for the security deposit and pay the deposit into Court as soon as possible.

**C. Deposits and Refunds**

The deposit shall be applied as filings occur and an additional deposit may be required by the Court. Any remaining deposit that is \$5.00 or less will not be refunded by the Clerk unless a written request for the refund is made within 14 days of the termination of the case.

## **WILLS**

### **Local Rule 59.1 Safekeeping of Will**

This Rule applies to wills deposited with the Court under R.C. § 2107.07 and § 2107.08.

#### **A. Procedure**

Only the original will may be deposited with the Court for safekeeping. Every will that is so deposited shall be enclosed in a sealed envelope that shall be endorsed with the name of the testator. The Judge shall endorse on the envelope the date of delivery and the person by whom the will was delivered. The envelope may be endorsed with the name of a person to whom it is to be delivered after the death of the testator. The will shall not be opened or read until delivered to a person entitled to receive it, until the testator files a complaint for declaratory judgment or until disposed of in accordance with the O.R.C. The deposited will shall not be a public record until the time that an application is filed to probate it. The Court will only release a deposited will to a person entitled to it upon satisfactory identification. It shall be the responsibility of the fiduciary and the attorney for the fiduciary to check the index of deposited wills to determine whether a will of the testator is on deposit in the Court.

#### **B. Ancient Wills**

If the will on deposit is not delivered or disposed of within one hundred years after the date the will was deposited, the probate judge may dispose of the will in any manner the judge considers feasible. The probate judge shall retain an electronic copy of the will prior to its disposal.

#### **C. Guardianships**

A guardian of the person or estate of a mentally incompetent adult who becomes aware that the ward has a will and who has knowledge of the location of the original will, must deposit the original of the will with the Court for safekeeping. If there is more than one original will, the guardian must deposit all originals for safekeeping. Said deposits shall be permitted without payment of a fee.

### **Local Rule 59.2 Probate of Will**

This Rule applies to requirements relating to probating a will in a decedent's estate.

#### **A. Certificate of Service**

The Fiduciary of a decedent's estate shall give notice by certified mail within two (2) weeks of the date the will is admitted to probate to the surviving spouse of the testator, to all persons who would be entitled to inherit under R.C. Chapter 2105 if the testator dies intestate and to all legatees and devisees named in the will.

The applicant or attorney for the applicant shall prepare a notice listing those persons entitled to notice and shall file same with the Court. Service and proof of service shall be in accordance with Civ. R. 73 (E).

#### **B. Charitable Trusts**

Applications for wills that create a charitable trust required to be registered with the Attorney General of Ohio under ORC § 109.26, shall include a concise statement setting forth 1) the item number of the will which creates such trust; 2) the name of the trustee or trustees designated; and 3) the general nature of the trust.

The applicant or attorney for the applicant shall prepare a notice listing those persons entitled to notice and shall file same with the Court. Service and proof of service shall be in accordance with Civ. R. 73 (E).

**C. Trusts**

Pursuant to R.C. § 2107.05(C), any will that incorporates a trust instrument shall manifest that intent through the use of the term "incorporate" or "made part of" or similar language. Absence of such clear intent, the trust instrument shall not be incorporated.

**APPLICATION FOR AUTHORITY TO ADMINISTER**

**Local Rule 60.1 Application for Letters of Authority to Administer**

**A. Notice**

A person who files an application for letters of administration in an estate shall be served at least ten days prior to the date set for hearing. If there is no known surviving spouse or next of kin resident of Ohio, the notice shall be served upon persons designated by the Court.

The administrator shall give notice of the appointment within ten days after the appointment to all persons entitled to inherit, including persons entitled to an allowance for support, unless those persons have been provided notice of the hearing on the appointment or have waived notice.

**B. Application for Certificate of Transfer of Real Property**

When real property passes by the laws of intestate succession or under a will, the administrator or executor shall file in probate court, at any time after the filing of an inventory that include the real property but prior to the filing of the final account, an application requesting the court to issue a certificate of transfer as to the real property. See R.C. § 2113.61

**Local Rule 60.2 Inventories**

**A. Filing**

The statutory time for filing an inventory shall be strictly adhered to and citations shall be issued when filings are late unless an application for an extension of time for filing has been granted. Applications for an extension shall set forth the time needed, shall be signed by an attorney and fiduciary and shall be accompanied by a proposed judgment entry.

**B. Notice of Filing**

The executor or administrator may serve notice of the hearing, or may cause the notice to be served, upon any person who is interested in the estate. The Court, upon receipt of the filing of inventory, shall set the inventory for a non-oral hearings no more than 30 days later. Exceptions to the inventory or to the allowance for support may be filed at any time prior to five days before the date set for the non-oral hearing. Should exceptions to the inventory be received, the Court will schedule a hearing on the exceptions and will not hear the exceptions at the original date set for non-oral hearing.

**C. Schedule of Assets**

The schedule of assets shall contain the legal address or, if none, the legal description and the parcel number of all real estate.

**APPRAISER OF REAL ESTATE**

**Local Rule 61.1 Appointment of Appraiser**

If the value of an asset is not readily ascertainable, the Court shall appoint a suitable, disinterested person with appropriate qualifications and experience to determine the asset's value.

**A. Compensation**

Compensation for the appraiser is subject to the approval by the Court.

1. The executors and administrators may allow the appraiser a reasonable sum as compensation for his services without special application to the Court, provided the sum is agreed upon between the fiduciary and the appraiser.
2. The executors and administrators shall take into consideration the amount of time and work reasonably required in appraising the assets of the estate as well as the type and character of the property appraised when determining the appropriate sum.
3. An appraiser may waive all or any part of his compensation.
4. Where any questions arise in the interpretation of this rule or in circumstances where the amount of compensation cannot be agreed upon, the fiduciary shall file an application for allowance of compensation for each appraiser with the Court.

**B. Expert**

If the fiduciary determines that the services of an expert in the evaluation of special or unusual property are needed, an expert can be retained.

**CLAIMS AGAINST ESTATE**

**Local Rule 62.1 Insolvent Estates**

The following requirements apply to all claims against the estate and any insolvency proceedings.

**A. Presentment of Claims**

Where the executor or the administrator of an estate is presented with valid claims in excess of the amount of assets available, he shall report in writing to the Court that the estate is insolvent.

Any creditor having claims against the estate, shall present their claims in either of the following ways: 1) in writing to the executor or administrator or; 2) in writing to the executor or administrator with a copy being sent to the Probate Court.

If a creditor presents a claim by filing it in the Court and the Fiduciary later rejects that claim, the Fiduciary also must file the rejection of the claim with the Court pursuant to R.C. § 2107.06.

**B. Hearing**

If the Court requires a hearing on claims or the executor or administrator requests a hearing on the claims or insolvency, the executor or administrator shall file a schedule of all claims against the estate. The schedule of claims shall be filed with the executor or administrator's application for hearing or within ten (10) days after the Court notifies the executor or administrator of the hearing. R.C. § 2117.15.

**Local Rule 62.2 Schedule of Claims in Insolvent Estates**

In the administration of an estate, a Schedule of Claims shall be filed with the Court in all cases where at any time it appears to the fiduciary that the estate may be insolvent; or in any matter where there will be a land sale proceeding to pay debts. In all other cases, the Schedule of Claims is optional.

Any schedule of claims must be complete, accurate, well-organized and sufficiently detailed in a manner that will avoid any speculation regarding the claim or its proposed priority classification. Claims



must be listed in the order of priority pursuant to R.C. § 2117.25(A) (1-10), with all claims of the same class subtotaled before proceeding to the next class.

### **Local Rule 62.3 Summary Insolvency**

The standard insolvency procedure and forms need not be filed if the decedent's date of death and value of assets are as follows:

Prior to October 12, 2006 \$4,000.00 or less

On or after October 12, 2006 \$8,000.00 or less

If a spouse or minor children claim an allowance for support, then no hearing is required and no insolvency forms need be filed based upon dates of death and values or assets as follows:

On or before March 17, 1999 \$27,000.00 or less

On or after March 18, 1999 \$42,000.00 or less  
and prior to October 12, 2006

On or after October 12, 2006 \$48,000.00 or less

In either situation, the estate may be relieved from administration with the creditors and amounts owed listed on the assets and liabilities (form 5.1). The attorney shall add language to the form that the estate is insolvent and the estate is proceeding under this rule. Creditors shall be paid in accordance with R.C. § 2117.25. Each creditor who has not received payment in full shall be notified accordingly by letter or otherwise; proof of such notification is not required.

The same exception applies in an estate where a full administration has been opened and the fiduciary has determined that the estate is insolvent. The fiduciary may either relieve the estate from further administration and proceed as set forth above or they may file a fiduciary's account indicating that the estate is insolvent and pay creditors pursuant to R.C. § 2117.25. Creditors shall be notified by letter or otherwise; proof of notification is not required when applying this exception to the insolvency proceeding.

### **Local Rule 62.4 Medicaid Estate Recovery Program**

- A. It is the responsibility of the attorney or the "person responsible for the estate", as defined and used in R.C. § 2107.061(A)(2), and as used in this Rule, of a decedent subject to the Medicaid estate recovery program or the estate of a decedent who was the spouse of a decedent subject to the Medicaid estate recovery program to submit a properly completed Medicaid estate recovery notice form to the administrator of the Medicaid estate recovery program not later than thirty days after the occurrence of any of the following:
1. The granting of letters of administration or letters testamentary;
  2. The filing of an application for release from administration or summary release from administration.
- B. The Court requires, in cases where the decedent was a permanently institutionalized individual of any age or the decedent was fifty-five years of age or older at time of death, the attorney or the person responsible for the estate to file one of the following:
1. Form 7.0 indicating that notice has been given to the administrator of the Medicaid estate recovery program; or
  2. An affidavit attesting that the attorney or the person responsible for the estate has checked and the decedent is not subject to the Medicaid estate recovery program; or

3. Notice from the administrator of the Medicaid estate recovery program, or its designee, stating that the decedent is not subject to the Medicaid estate recovery program.
- C. The attorney and the person responsible for the estate are reminded that, pursuant to R.C. § 2117.061(D), the administrator of the Medicaid estate recovery program shall present a claim for estate recovery to the person responsible for the estate of the decedent or the person's legal representative not later than ninety days after the date on which the Medicaid estate recovery notice is received under division (B) of this Rule or one year after the decedent's death, whichever is later. The attorney and the person responsible for the estate should be mindful of this statute prior to distributing any estate assets.

## **APPLICATION TO SELL PERSONALTY**

### **Local Rule 63.1      General**

In addition to the requirements listed in R.C. § 2113.40-43, a judgment entry and order of sale shall include an adequate description of the property to be sold and shall provide that the sale has been at the best price obtainable in the current market or at a price fixed by the Court.

1. Except for good cause shown, an order of sale shall not be granted prior to the approval of the inventory or inventory and appraisal.
2. No sale shall be confirmed until an affidavit is filed as required by R.C. § 2109.45 and § 2113.42.

## **ACCOUNTS**

### **Local Rule 64.1      Filing Accounts of Fiduciaries**

Final accounts of fiduciaries shall not be accepted for filing before the expiration of the applicable period as required by law, except as otherwise ordered by this Court.

#### **A.      Timeliness of Accounts**

The statutory time for filing an account shall be strictly adhered to and citations shall be issued when filings are late unless application for an extension of time for filing has been granted. Applications for an extensions shall set forth the time needed, shall be signed by the attorney and fiduciary, and shall be accompanied by a proposed judgment entry.

If a fiduciary is delinquent in filing an account or exhibiting assets, and no extension has been granted, a citation shall be issued requiring such fiduciary to appear forthwith and show cause why such account has not been filed or why such assets have not been exhibited.

#### **B.      Vouchers**

Vouchers or other proofs required by R.C. § 2109.302 and § 2109.303 and receipts filed or exhibited pursuant to R.C. § 2109.32(B)(1)(b), shall be referenced to the account by number, letter, or date.

1. Vouchers supporting disbursements shall be filed with any fiduciary's account for estates opened prior to January 1, 2002.
2. No vouchers are needed for estates filed after January 1, 2002 unless specifically requested by the Court.

**C. Contents of Accounts**

The accounts of all fiduciaries must provide a chronological, detailed, accurate, and itemized information that accurately reflects all of the fiduciary's receipts, disbursements, distributions, and other financial transactions during the accounting period without room for uncertainty or speculation. Such account, in addition to setting forth all transactions effecting the income or principal account, shall include at the end thereof:

1. A recapitulation of cash receipts, disbursements, and bank deposits representing cash on hand at the end of the accounting period; and
2. A statement of personal property on hand, other than cash, at the end of the accounting period, including, a statement of any changes in such property during the period covered by the account; and
3. A statement identifying all real estate owned by the ward or real estate to which the fiduciary holds legal title for and on behalf of the ward or beneficiary; and
4. A computation of the attorney fees paid and/or fiduciary fees paid.

**D. Land**

If land has been sold by the fiduciary during the accounting period, the account shall show the gross amount of the proceeds of the sale and the distribution thereof, with the escrow statement, settlement statement or receipts of the land sales expenditures.

**E. Power of Attorney**

Receipts for distributive shares signed by persons holding power of attorney may be accepted, provided such power of attorney is recorded in the Recorder's Office of Hancock County and a photo copy of the recorded power of attorney is attached to the account.

**F. Exhibiting Assets**

1. All assets must be exhibited at the time of filing a partial account.
2. Cash balances may be verified by exhibiting a bank statement, passbook, or a current letter from the financial institution in which such funds are deposited certifying as to the funds on deposit to the credit of the fiduciary.
3. Assets held in safety deposit boxes of fiduciaries or by surety companies on fiduciaries bonds may be exhibited by filing a current inventory thereof certified by the manager of the safety deposit box department of the financial institution leasing such safety deposit box or by a qualified officer or surety company if such assets are held by such surety.
4. Assets held by a bank, trust company, brokerage firm, or other financial institution may be made by proper certification as to the assets so held.
5. For good cause shown, the Court may designate a deputy clerk of the Court to make an examination of the assets located in this county not physically exhibited to the Court. Such commissioner shall make a written report of his findings to the Court.

**G. Finality of Account**

A final and distributive account shall not be approved until all court costs have been paid.

## **Local Rule 64.2      Accounts in Guardianships**

Where a guardian is accounting for several minors, his accounts shall show each ward's proportionate share of the credits and debits and separately state each ward's property at the end of the accounting period.

## **Local Rule 64.3      Accounts in Testamentary Trusts and Other Fiduciaries**

Accounts of executors under a will creating a testamentary trust, as in the case of accounts of testamentary trustees, shall show receipts and disbursements separately itemized as to principal and income.

## **LAND SALES**

### **Local Rule 65.1      General**

#### **A.      Filing Evidence of Title**

In all land sale proceedings, the plaintiff, prior to the issuance of an order finding the sale necessary, shall file with the Court evidence of title showing the record condition of the title to the premises described in the complaint and prepared by a title company licensed by the state of Ohio, an attorney's certificate, or other evidence of title satisfactory to the court. Evidence of title shall be to a date subsequent to the date on which the complaint was filed.

If the sale is to be public, the executor, administrator or guardian shall file a certificate or other proof evidencing that the required notice under R.C. § 2127.32 was given.

#### **B.      Private Land Sale**

In all private land sale proceedings by civil action, a complaint is required when an order of private sale is requested and there is no consent of all the parties. The complaint shall include an affidavit or testimony under oath that establishes:

1.      Whether or not the sale has been the subject of prior negotiations;
2.      Amount offered for the sale of the property;
3.      Appraised value in the land sale proceedings
4.      Identify of the prospective purchaser and counsel, if any;
5.      Whether or not the proposed transaction will be or has already been placed in escrow; and
6.      Identity of the escrow agent.

#### **C.      Appointment of Disinterested Person**

The Court may, in its discretion, appoint a disinterested person, answerable to the Court, who shall investigate the circumstances surrounding the proposed transaction, view the property, ascertain whether the proposed sale is justified and report his finding in writing to the court. Said report will be part of the record in the proceeding. The compensation of the person performing such service shall be fixed by the Court according to the circumstances of each case and taxed as part of the costs of the proceedings.

#### **D.      County Treasurer as Party Defendant**

All complaints to sell real estate where the County Treasurer is a party defendant, shall contain the parcel number of the real estate to be sold.

## **GUARDIANS**

### **Local Rule 66.1**

The Local Rules regarding Guardianships apply to all guardianships administered through this Court, unless otherwise indicated in the particular Local Rule, or unless expressly waived by Court Order.

## **RESPONSIBILITIES OF GUARDIANS**

### **Local Rule 66.2**

All Guardians appointed by the Court shall submit to the court information documenting compliance with the guardian qualifications pursuant to Sup.R. 66.06 or 66.07, as applicable, unless specifically waived by the Court. In addition, each Guardian shall submit a background check or certificate of good standing prior to appointment.

The Guardian shall follow all requirements outlined in Sup.R. 66.08 and 66.09 including an annual report to the Court.

## **EMERGENCY GUARDIANSHIPS**

### **Local Rule 66.3**

Pursuant to Sup.R. 66.03(A) this Court has adopted the following process for emergency guardianships. Every application for the appointment of an ex parte emergency guardianship shall be accompanied by:

- A. Statement of Expert Evaluation
- B. A completed Next of Kin form;
- C. A narrative statement signed by the applicant setting forth anecdotal information describing the imminent risk of significant injury to the person or property of the minor or incompetent that justifies an ex parte emergency appointment;
- D. Compliance with Court's requirement with respect to background checks and credibility; and
- E. Photo identification of the applicant.

The applicant shall attend the 72-hour hearing to determine whether to extend the emergency guardianship for up to 30 additional days. The applicant is expected to file an application for appointment of guardian within seven days of the completion of a hearing extending the guardianship beyond the initial 72 hour appointment, if it is expected the need for continued guardianship will exist longer than the emergency guardianship.

## **GUARDIAN COMMENTS AND COMPLAINTS**

### **Local Rule 66.4**

Pursuant to Sup. R. 66.03(B) this Court has adopted the following process for submitting and considering comments or complaints regarding the performance of guardians appointed by this Court.

This local rule is applicable to all guardians appointed by the Court pursuant to R.C. § 2111.02. Comments and complaints (hereinafter collectively referred to as "complaints") received regarding the performance of guardians and the resulting documents and correspondence are considered to be case documents and accessible to the public, unless otherwise excluded pursuant to Sup. R. 44(C)(2). The Court

will note actions with respect to the complaint in the case docket. The Court will communicate complaints about a guardian's performance to the guardian and/or the guardian's counsel expeditiously and pursuant to this local rule.

The Court will not accept or act upon an oral or telephonic complaint against a guardian, other than to provide the address to which to hand-deliver, fax, e-mail, or mail the written complaint. The Court will not accept anonymous complaints. When the Court receives the written complaint regarding the guardian's performance it will date-stamp the complaint. Complaints received electronically on days the Court is closed shall be deemed to have been received on the next day the Court is open.

When a complaint is received at the Court, the procedure will be as follows:

1. The Court will send a copy of the complaint to the guardian and/or guardian's attorney and request a response to the complaint within fifteen (15) days from the date of mailing
2. Once the response is received or the expiration of fifteen days has passed with no response, the Court will refer the complaint and any response from the guardian and/or guardian's attorney to a Court investigator and/or Court security for an investigation to be conducted within fifteen (15) days.
3. When appropriate, the complaint will be referred to the appropriate law enforcement agency pursuant to R.C. § 2101.26 if the complaint alleges abuse, neglect, or exploitation of the ward. When the Court refers a complaint to law enforcement, the Court will take such emergency action as it determines necessary to protect the interest of the ward while being cognizant of the need to have minimal impact on investigation by law enforcement.

The Court's actions may include dismissal, directive for remedial action, establishing periodic review dates allocating costs and fees, referral to law enforcement for investigation, sanctions, removal and any other actions permitted by law. Except when administratively dismissing a complaint, or acting in an emergency the Court shall not act without a hearing.

When the ward is a veteran and the Court appointed the guardian under R.C. § 5905, notice of the complaint, reports, hearings and actions shall be given to the Administrator of Veterans Affairs of the United States pursuant to R.C. § 5905.03.

The Court shall maintain a record regarding the nature and disposition of any complaints filed under this rule in an Administrative Case file.

## **GUARDIAN WITH TEN OR MORE ADULT WARDS**

### **Local Rule 66.5**

To assist the Court in meeting its supervisory responsibilities under Sup. R. 66.05 (B) and in satisfaction of the responsibilities arising under Sup. R. 66.08 (H) by January 31 of each year, a guardian with ten or more wards through the probate court shall file with this Court a document that includes a listing of the guardian's wards, the case number and the appointing Court. The guardian in such cases shall advise the Court of any change in the guardian's name, address, telephone number and email address within ten (10) days of the change occurring.

If the guardian will be seeking compensation from the guardianship or from the Court, the guardian shall accompany the annual registration with a fee schedule that differentiates guardianship services fees as established by local rule from legal fees or other direct services.

A guardian with 10 or more wards shall include with the Guardian's report form, a statement indicating whether the guardian is aware of any circumstances that may disqualify the guardian from continuing to serve as guardian.

## **ESTATES OF MINORS OF NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS**

### **Local Rule 67.1      Generally**

This Rule applies to estates of minors that do not exceed \$25,000.00, pursuant to R.C. § 2111.05, in which the applicant desires to terminate guardianship of a minor, or desires to dispense with the need to establish a guardianship for a minor. Estates of \$25,000.00 or more require a guardianship.

#### **A.      Applicant**

Each application relating to minors shall be by the parent or parents or by the person having custody of such minor and shall be captioned in the name of the minor.

1. Any parent who is not the applicant, as well as minors fourteen (14) years of age or over, shall consent in writing to the application.
2. If either or both parents are deceased, or their whereabouts unknown, such facts shall be noted in the caption. If parents are divorced or separated, and custody has been awarded to the applicant, the application shall state so.
3. A separate application shall be filed for each minor and the application shall indicate the amount of money or property to which such minor is entitled, and to whom such money or property shall be paid or delivered.
4. Each application shall indicate the amount of money or property to which the minor is entitled and to whom such money or property shall be paid or delivered.
5. All applications shall be accompanied by a child custody affidavit as required by R.C. §3127.23 and § 2111.06.

#### **B.      Representation of a Minor**

Unless the Court otherwise orders, if no guardian has been appointed for either the receipt of an estate of a minor or the receipt of a settlement for injury to a minor, the attorney representing the interests of the minor shall prepare an entry that orders all of the following:

1. The deposit of the funds in a financial institution in the name of the minor;
2. Impounding the principal and interest; and
3. Releasing the funds only upon an order of the Court or to the minor on his eighteenth birthday. The court may, upon its own motion, require that the funds be released on the minor's twenty-fifth birthday pursuant to O.R.C. § 2111.182.

Said attorney shall further be responsible for depositing said funds within seven (7) days of the entry's approval. The attorney must provide a copy of said entry to the bank. Furthermore, the attorney must file the bank receipt with the Court.

## **SETTLEMENT OF INJURY CLAIMS OF MINORS**

### **Local Rule 68.1      Generally**

This Rule applies to all proceedings for authority to settle minor's claims.

#### **A.      Application**

Applications involving the payment of \$25,000.00 or less shall be by the parent or parents or by the person having custody of the minor and shall be captioned in the name of minor. If either or both parents

are deceased, or their whereabouts unknown, such facts shall be noted in the caption. If the parents are divorced or separated, and custody has been awarded to the applicant, the application shall so state. A parent who is not the applicant must consent to the application in writing or be given notice of the hearing thereon. Applications involving \$25,000.00 or more require a guardianship.

1. All applications may be accompanied by a current statement of the examining physician in respect to the injuries sustained, the extent of recovery thereof and the physician's prognosis.
2. All applications shall state what additional consideration, if any, is being paid to any person other than the guardian.

**B. Notice of Hearing**

The parents of any ward residing in the county shall be entitled to three (3) days notice by certified mail of any application by a guardian for approval of a settlement of an action for personal injuries to his ward. This requirement exists regardless of the amount of the settlement.

**C. Presence of an Injured Minor**

The presence of the injured minor and the parent may be required at the hearing on all applications.

**D. Attorney Fees**

All applications shall state what arrangement, if any, has been made in respect of counsel fees. All counsel fees shall be subject to review by the Court.

## **SETTLEMENT OF WRONGFUL DEATH CLAIMS**

### **Local Rule 70.1      Generally**

This Rule provides requirements in the settlement and apportionment of wrongful death claims.

**A. Application**

An application for approval of a settlement of a claim for wrongful death shall contain a concise statement of facts, including the amount to be received in settlement of the claim and the portion of the settlement allotted for conscious pain and suffering. The statement shall also include the proposed allocation of settlement funds. The application shall also state the arrangements for payment of counsel fees. Said counsel fees are subject to review by the Court.

**B. Notice of Hearing**

The application and proposed allocation shall be set for hearing. Written notice to all interested parties shall comply with rules regarding beneficiaries of different degrees of consanguinity.

## **COUNSEL FEES**

### **Local Rule 71.1      Generally**

All attorney fees in probate matters must comply with Rule 1.5 of the Ohio Rules of Professional Conduct. All counsel fees are subject to approval by the Court and the Court may hold a hearing regarding fees.



## **Local Rule 71.1A Estate Counsel Fees (Appendix B)**

### **A. Approval of Counsel Fees**

Counsel fees will be approved at the time of final accounting so long as attorney fees are computed in accordance with the guidelines of the court and no exceptions are received. With prior approval of the Court, an attorney may take 50% of their total fee at the time of the filing of one partial account. It shall be the responsibility of the attorney for the Executor or Administrator to file a statement regarding attorney fees and fiduciary fees with the final account. Said statement of attorney fees shall be in conformance with Form 71A. For guidance on fiduciary fees see Local Rule 72.1 below.

### **B. Written Fee Agreement**

Where all of the beneficiaries, including residual beneficiaries, of the estate have consented in writing to the amount requested as the attorney fee in an estate, no application for allowance of fees shall be required, providing however:

1. The consent to fees or agreement of fees shall state that all persons signing the same have been made aware of all the guidelines of the Court as to attorney's fees prior to their signing the consent or agreement;
2. Such consents or agreements for attorney fees shall be filed in the probate file of the estate or filed with the final account in the estate.

If consents are not obtained, the matter will be set for hearing.

### **C. Guidelines**

The Court has not and will not establish either maximum fees or minimum fees for services performed, but has established guidelines which are to be considered just and reasonable. Attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing an account as required by ORC § 2109.30, except for good cause shown.

Unless otherwise provided by law, or ordered by the Court, an attorney may charge for his ordinary services an amount in accordance with the following schedule:

1. 5% of the value of all probate assets including real estate sold pursuant to ORC § 2127 (value of real estate sold is sale price not appraised value); plus
2. 3% of the appraised value of the decedent's interest in real estate transferred but not sold pursuant to the above section including deeds in lieu of foreclosure; plus
3. In cases where the date of death precedes January 1, 2013; 2% of the first \$20,000.00 plus 1% of the balance of all property subject to the Ohio Estate Tax which passes otherwise than under the decedent's will or the Statute of Descent and Distribution, such as joint and survivorship property, property in inter vivos trust, property subject to power of appointment, transfers in contemplation of death, annuities, pension or profit sharing plan benefits, and other non-probate property (but excluding life insurance proceeds where paid to the beneficiaries other than the decedent's estate).
4. Non-probate assets will not be considered in the calculation for attorney fees for any estate with a date of death after January 1, 2013.
5. Any attorney fee paid by a fiduciary not exceeding \$250.00 shall be considered presumptively reasonable and just regardless of the amount of assets in the estate.

**D. Expenses Chargeable to an Estate**

In those instances where extraordinary compensation for legal services is to be charged to an estate, such extraordinary legal services shall be requested in an application in writing by the fiduciary and the attorney. Said application shall detail the extraordinary services, the additional time required of the attorney in connection therewith, and a statement as to the necessity therefore.

**E. Sale Price of Real Estate**

The sale price of real estate sold shall be used for computation of attorney fees. The appraised value shall not be used in the computation of attorney fees. Deed in lieu of foreclosure shall be figured as transferred not sold. A copy of the closing statement for sale of real estate must be attached to the account.

**F. Dual Capacity**

Except on special application, when an attorney or his associate or partner serve in a dual capacity as attorney for the estate and executor or administrator, the total fees charged in both capacities shall not exceed one and one-half times the attorney fees allowable.

**Local Rule 71.1B Guardianship Counsel Fees (Appendix B)**

**A. Approval of Counsel Fees**

Counsel fees will be approved at the time of filing of an account so long as attorney fees are computed in accordance with the guidelines of the court and no exceptions are received and are filed in conformance with Form 71B.

**B. Guidelines**

The Court has not and will not establish either maximum fees or minimum fees for services performed, but has established guidelines which are to be considered just and reasonable. Attorney fees shall not be allowed to attorneys representing Guardians who are delinquent in filing an account as required by ORC § 2109.30, except for good cause shown.

Unless otherwise provided by law, or ordered by the Court, an attorney may charge for his ordinary services an amount in accordance with the following schedule:

1. 3% of income during the accounting period, plus
2. 3% of the expenditures during the accounting period plus
3. 5% of real estate sold pursuant to ORC § 2127.
4. As a minimum fee, any attorney fee paid by a guardian not exceeding \$250.00 shall be considered presumptively reasonable regardless of the amount of assets in the guardianship estate.

**C. Sale Price of Real Estate**

The sale price of real estate sold shall be used for computation of attorney fees. The appraised value shall not be used in the computation of attorney fees. A copy of the closing statement for sale of real estate must be attached to the account.

**D. Dual Capacity**

Any person employed as attorney and guardian may collect a separate full fee for each capacity. However, any attorney shall not collect a fee on any prior attorney fees paid.

## **Local Rule 71.1C Trust Counsel Fees (Appendix B)**

### **A. Approval of Counsel Fees**

Counsel fees will be approved at the time of filing of an account so long as attorney fees are computed in accordance with the guidelines of the court and no exceptions are received. See Form 71C.

### **B. Guidelines**

The Court has not and will not establish either maximum fees or minimum fees for services performed, but has established guidelines which are to be considered just and reasonable. Attorney fees shall not be allowed to attorneys representing Guardians who are delinquent in filing an account as required by ORC § 2109.30, except for good cause shown.

Unless otherwise provided by law, or ordered by the Court, an attorney may charge for his ordinary services an amount in accordance with the following schedule:

1. 3% of income during the accounting period, plus
2. 3% of the expenditures during the accounting period.

### **C. Dual Capacity**

Except on special application, when an attorney or his associate or partner serve in a dual capacity as attorney and trustee, the total fees charged in both capacities shall not exceed one and one-half times the attorney fees allowable.

## **Contingency Fees**

### **Local Rule 71.2 Generally**

In cases where representation is on a contingent basis, only contingency fee contracts between counsel and the proper legal representative prepared and signed prior to any recovery will be approved. All counsel fees must be approved by the Court. A motion and judgment entry for approval of counsel fees must be filed.

## **EXECUTOR'S AND ADMINISTRATOR'S FEES (Appendix B)**

### **Local Rule 72.1 Generally**

This rule governs the determination of the compensation to which an executor or administrator in a decedent's estate is entitled. Unless otherwise provided by law, an Executor or Administrator may charge for his ordinary services on an annual basis in an amount computed in accordance with the guidelines outlined below. See Form 72. All compensation is subject to the approval of the Court.

#### **A. Normal Fees**

Compensation for executors and administrators for ordinary services are provided in ORC § 2113.35. In addition to those fees permitted by ORC § 2113.35, the Court shall permit allowances for an executor or administrator that are just and reasonable for actual and necessary expenses incurred in the administration of the estate. See ORC §2113.36.

#### **B. Additional Compensations**

In those instances where extraordinary fees are to be charged by an executor or administrator, such extraordinary services, the time represented in the execution of said services, and the

necessity for said extraordinary services on the part of the executor or administrator shall be outlined in an application to the Court. The Court may require the application to be set for hearing and all interested parties given seven (7) day notice as to the time and place of said hearing.

**C. Co-Executors or Administrators**

In instances where there are multiple executors and administrators, the total fee of all such fiduciaries shall not exceed the commission due a single executor or administrator as set forth in ORC § 2113.35.

**D. Guidelines**

The Court has not and will not establish either maximum fees or minimum fees for services performed, but has established guidelines which are to be considered just and reasonable. Fiduciary fees shall not be allowed to Fiduciaries who are delinquent in filing an account as required by ORC § 2109.30, except for good cause shown.

Unless otherwise provided by law, or ordered by the Court, a Fiduciary may charge for his ordinary services an amount in accordance with the following schedule:

1. 4% of first \$100,000.00 of probate assets (not including real estate transferred), plus
2. 3% of next \$300,000.00 of probate assets (not including real estate transferred) , plus
3. 2% of any amount over \$400,000.00 of probate assets (not including real estate transferred), plus
4. 1% of the value of real estate transferred, not sold.

**GUARDIAN'S FEES (Appendix B)**

**Local Rule 73.1 Generally**

**A. Normal Fees**

Unless otherwise provided by law, a guardian may charge for his ordinary services on an annual basis in an amount computed in accordance with the guidelines outlined below. See From 73. All compensation is subject to the approval of the Court.

**B. Additional Compensations**

In those instances where extraordinary fees are to be charged by a guardian, such extraordinary services, the time represented in the execution of said services, and the necessity for said extraordinary services on the part of the guardian shall be outlined in an application to the Court. The Court may require the application to be set for hearing and all interested parties given seven (7) day notice as to the time and place of said hearing.

**C. Co-Guardians**

The compensation of co-guardians in the aggregate shall not exceed the compensation which would have been payable if only one guardian had been serving.

**D. Guidelines**

For the purpose of computing a guardian's compensation as herein approved, the fair market value of the principal shall be determined as of the date of the guardian's appointment and as of each anniversary date thereafter. It shall be the responsibility of the attorney for the guardian to attach

to each guardian's account a form setting forth the method of computation of the guardian's compensation.

The Court has not and will not establish either maximum fees or minimum fees for services performed, but has established guidelines which are to be considered just and reasonable. Guardian fees shall not be allowed to Guardians who are delinquent in filing an account, except for good cause shown.

Unless otherwise provided by law, or ordered by the Court, a Guardian may charge for his ordinary services an amount in accordance with the following schedule:

1. 3% of the first \$1,000.00 income during the accounting period; plus
2. 3% of the first \$1,000.00 expended during the accounting period; plus
3. 2% of income in excess of \$1,000.00 during the accounting period; plus
4. 2% of expenditures made in excess of \$1,000.00 during the accounting period.
5. Any person employed as attorney and guardian may collect a separate full fee for each capacity so long as they keep records of time spent in each capacity and can justify both fees as reasonable. A Guardian shall not collect a fee on any prior Guardian fee paid.

**E. Limitations**

A guardian is not permitted a fee on balances carried forward from prior accounting periods. Final distribution of funds from a guardianship shall not be considered an expenditure for the purpose of computing guardian's compensation.

**TRUSTEE'S FEES (Appendix B)**

**Local Rule 74.1 Generally**

**A. Normal Fees**

This rule governs the determination of the compensation to which a Trustee entitled. Unless otherwise provided by law, a Trustee may charge for his ordinary services on an annual basis in an amount computed in accordance with the guidelines outlined below. See Form 74. In instances where the Trust provides specifically for compensation of the Trustee, the compensation shall be in conformance with the Trust documents. All compensation is subject to the approval of the Court.

**B. Additional Compensations**

In those instances where extraordinary fees are to be charged by a trustee, such extraordinary services, the time represented in the execution of said services, and the necessity for said extraordinary services on the part of the trustee shall be outlined in an application to the Court. The Court may require the application to be set for hearing and all interested parties given seven (7) day notice as to the time and place of said hearing.

**C. Co-Trustees**

The compensation of multiple trustees in the aggregate shall not exceed the compensation which would have been paid if only one person were serving as trustee, except where the instrument under which the co-trustees are acting provides otherwise.

**D. Guidelines**

For the purpose of computing a trustee's compensation as herein approved, the fair market value of the principal shall be determined as of the date of the trustee's appointment and as of each anniversary date thereafter. The compensation so determined may be charged during the ensuing year.

The Court has not and will not establish either maximum fees or minimum fees for services performed, but has established guidelines which are to be considered just and reasonable. Trustee fees shall not be allowed to Trustees who are delinquent in filing an account, except for good cause shown.

Unless otherwise provided by law, or ordered by the Court, a Trustee may charge for his ordinary services an amount in accordance with the following schedule:

1. Income from realty and personalty as follows:
  - a. 6% of the first \$1,000.00, plus
  - b. 4% of the next \$4,000.00, plus
  - c. 2% of all income over \$5,000.00.
  
2. In addition to the fees allowable under 1 above, there shall be a fee allowed on the corpus of the trust as follows:
  - a. \$1.50 per \$1,000.00 on the first \$500,000.00, plus
  - b. \$1.00 per \$1,000.00 on the balance over \$500,000.00.

This amount shall be based upon the reasonable current market value of the corpus both real and personal handled by the fiduciary chargeable to the principal, except that, with the written consent of the income beneficiaries, all or a portion of said fee may be chargeable to income.

3. In addition to 1 and 2 above, there shall be a distribution fee on the corpus both real and personal of 1% based upon the reasonable market value of the property at the time of distribution.

**E. Limitations**

No Trustee shall be permitted a fee on balances carried forward from prior accounting periods. Final distribution of funds from a trust shall not be considered an expenditure for the purpose of computing trustee's compensation.

## **Local Rule 75.1      Local Rules**

The Hancock County Probate Court adopts the following Local Rules as authorized by Rule 5 of the Rules of Superintendence for the Courts of Ohio.

## **Local Rule 75.2      Summons and Notices**

The Ohio Rules of Civil Procedure shall apply in all respects to service. The Court may, in its discretion, require a deposit for service of summons in cases where personal service of summons or notice is required upon a party who resides outside Hancock County, Ohio.

## **Local Rule 75.3      Request for Jury Trial**

In all cases where a jury trial is required in this Court, the Court and parties shall comply with Civ. R. 38 and Civ. R. 39. The Court adopts Hancock County Common Pleas Rule 1.19, Jury Use, with regard to the automated data proceeding for the selection of jurors.

## **Local Rule 75.4      Releases From Administration**

Estates of One Hundred Thousand Dollars (\$100,000.00) or less may be relieved from administration if they statutorily qualify pursuant to R.C. § 2113.03. Use of standard forms which shall include in all cases form 5.0, 1.0, 5.1, and 5.6 is encouraged. All applications shall be accompanied by a waiver or paid-in-full receipt by the funeral director.

### **A.      Transfer of Real Estate**

If real estate is to be transferred, form 12.1 must be submitted. When filing, a copy must be included for purposes of recording.

### **B.      Appraiser**

No appraiser will be appointed in any release not containing real estate, unless granted by the Court. If an appraiser is necessary, form 3.0 should be attached to form 5.0.

APPENDIX A - DEPOSIT FOR COURT COSTS  
ALL DEPOSITS WILL BE APPLIED TOWARDS FINAL COSTS

\*exact costs can be determined by calling (419) 424-7079

Filing Application for Appointment of Administrator, Executor, or Guardian ad Litem for Incompetent Minor	\$100.00
Filing Application for Release of Estate from Administration	Exact Costs
Filing Complaint (Civil Action, Land Sale, Determination of Heirship, Declaratory Judgment, Will Contest)	\$100.00
Filing Application same as above with publication Filing	\$250.00
Application for Adoption	\$157.50
Filing Application for Adoption with publication	Exact Costs
Filing Application for Authenticated or Exemplified Will	Exact Costs Proceedings
Filing Application for Ancillary Administration	\$100.00
Filing Application for a miscellaneous action	Exact Costs
Filing Application for Minor's Settlement Filing	\$ 75.00
Application for Change of Name	\$100.00
Filing Application for Structured Settlement Buyout	\$ 85.00
Filing Application for Change of Name if publication required for non-consenting parent	\$200.00
Filing claim with the Court (ORC 2117.06)	\$ 0.00
Jury Deposit	\$300.00
Application for Appointment of Guardian	\$100.00
Birth Correction	\$ 60.00



# APPENDIX B

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Estate of \_\_\_\_\_, Deceased Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

Application for Estate Attorney Fees

Now comes the undersigned attorney who makes application for the allowance of attorney fees in the total amount of \$\_\_\_\_\_. This amount is based on the following:

Probate assets, including real estate sold	\$ _____
Real estate transferred but not sold	\$ _____
Total Probate Assets	\$ _____
5% of the value of probate assets excluding real estate transferred, not sold	\$ _____
3% of appraised value of decedent's interest in real estate transferred but not sold	\$ _____
TOTAL FEE ALLOWABLE BY COURT	\$ _____
TOTAL FEE REQUESTED _____	\$ _____
Court Costs Advanced	\$ _____
Recording Fees Advanced	\$ _____
_____	\$ _____
TOTAL FEE AND EXPENSES	\$ _____

\*\*\* Any attorney or attorney office acting in dual capacity, total fees charged in both capacities shall not exceed one and one half times the attorney fees allowable. \*\*\*

\*\*\* THIS FEE SCHEDULE IS NOT A MANDATORY MINIMUM OR MAXIMUM FEE SCHEDULE \*\*\*

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Estate of \_\_\_\_\_, Deceased Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

TOTAL ORDINARY FEE REQUESTED \$ \_\_\_\_\_

LESS PREVIOUSLY APPROVED PARTIAL FEES \$ \_\_\_\_\_

TOTAL FEES REQUESTED APPROVED AT THIS TIME \$ \_\_\_\_\_

If Applicable:

EXTRAORDINARY FEES (ITEMIZE AND ATTACH TIME RECORDS IF AVAILABLE)

Total attorney fee allowed from above \$ \_\_\_\_\_

Extraordinary Fee Total as Computed below \$ \_\_\_\_\_

Service:

Time:

Fee:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Total Ordinary and Extraordinary Fees \$ \_\_\_\_\_

Minus Attorney Fees Taken on Prior Accountings \$ \_\_\_\_\_

Balance of Attorney Fees Requested on Final Accounting \$ \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Fiduciary Signature

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Estate of \_\_\_\_\_, Deceased Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

JUDGMENT ENTRY

This matter came to be heard on the application for authority to pay attorney fees. Having reviewed the application and information properly before the Court, the Court finds the fees reasonable and approves the following fees.

IT IS ORDERED that ordinary attorney fees in the amount of \$\_\_\_\_\_ are approved.

\_\_\_\_\_  
Kristen K. Johnson, Judge

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Guardianship of \_\_\_\_\_ Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

Application for Attorney Fees

Now comes the undersigned attorney who makes application for the allowance of attorney fees in the total amount of \$ \_\_\_\_\_. This amount is based on the following:

3% of income during accounting period	\$ _____
3% of expenditures during accounting period	\$ _____
5% of the value of real estate assets sold	\$ _____

TOTAL ATTORNEY FEE ALLOWABLE BY COURT  
\$ \_\_\_\_\_

TOTAL ATTORNEY FEE REQUESTED  
\$ \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Guardian's signature

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*\*Fees for Extraordinary Services shall be computed detailing the time involved in rendering the service and the necessity of such services on the accounting period for which said extraordinary fees are sought.*

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Guardianship of \_\_\_\_\_ Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

**JUDGMENT ENTRY**

This matter came to be heard on the application for authority to pay attorney fees. Having reviewed the application and information properly before the Court, the Court finds the fees reasonable and approves the following fees.

IT IS ORDERED that attorney fees in the amount of \$ \_\_\_\_\_ are approved.

\_\_\_\_\_  
Kristen K. Johnson, Judge

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Trustee of \_\_\_\_\_ Trust Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

Application for Attorney Fees

Now comes the undersigned attorney who makes application for the allowance of attorney fees in the total amount of \$ \_\_\_\_\_. This amount is based on the following:

3% of income during accounting period \$ \_\_\_\_\_

3% of expenditures during accounting period \$ \_\_\_\_\_

TOTAL ATTORNEY FEE ALLOWABLE BY COURT \$ \_\_\_\_\_

TOTAL ATTORNEY FEE REQUESTED \$ \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Trustee Signature

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*\*Fees for Extraordinary Services shall be computed detailing the time involved in rendering the service and the necessity of such services on the accounting period for which said extraordinary fees are sought.*

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Trustee of \_\_\_\_\_ Trust Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

**JUDGMENT ENTRY**

This matter came to be heard on the application for authority to pay attorney fees. Having reviewed the application and information properly before the Court, the Court finds the fees reasonable and approves the following fees.

IT IS ORDERED that ordinary attorney fees in the amount of \$ \_\_\_\_\_ are approved.

\_\_\_\_\_  
Kristen K. Johnson, Judge



IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Estate of \_\_\_\_\_, Deceased Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

Application for Fiduciary Fees

Now comes the undersigned attorney who makes application for the allowance of fiduciary fees in the total amount of \$\_\_\_\_\_. This amount is based on the following:

Total Probate Assets EXCLUDING Real Estate NOT sold \$\_\_\_\_\_

4% of first \$100,000.00 \$\_\_\_\_\_

3% of next \$300,000.00 \$\_\_\_\_\_

2% of Assets over \$400,000.00 \$\_\_\_\_\_

Total Real Estate transferred but not sold \$\_\_\_\_\_

1% of Value of Real Estate transferred but not sold \$\_\_\_\_\_

TOTAL FIDUCIARY'S FEE ALLOWABLE BY COURT \$\_\_\_\_\_

TOTAL FIDUCIARY'S FEE REQUESTED \$\_\_\_\_\_

If declining the fiduciary fee, do not need to file fiduciary fee computation.

DATE OF DISBURSEMENT \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Fiduciary Signature

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Estate of \_\_\_\_\_, Deceased Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

JUDGMENT ENTRY

This matter came to be heard on the application for authority to pay fiduciary fees. Having reviewed the application and information properly before the Court, the Court finds the fees reasonable and approves the following fees.

IT IS ORDERED that fiduciary fees in the amount of \$ \_\_\_\_\_ are approved.

\_\_\_\_\_  
Kristen K. Johnson, Judge

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Guardianship of \_\_\_\_\_ Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

Application for Guardian Fees

Now comes the undersigned attorney who makes application for the allowance of guardian fees in the total amount of \$\_\_\_\_\_. This amount is based on the following:

3% of first \$1,000.00 income during accounting period \$\_\_\_\_\_

3% of first \$1,000.00 expenditures during accounting period \$\_\_\_\_\_

2% of income in excess of \$1,000.00 during accounting period \$\_\_\_\_\_

2% of expenditures in excess of \$1,000.00 during accounting period \$\_\_\_\_\_

TOTAL GUARDIAN'S FEE ALLOWABLE BY COURT \$\_\_\_\_\_

TOTAL GUARDIAN'S FEE REQUESTED \$\_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Guardian's signature

*\*Fees for Extraordinary Services shall be computed detailing the time involved in rendering the service and the necessity of such services on the accounting period for which said extraordinary fees are sought.*

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Guardianship of \_\_\_\_\_ Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

**JUDGMENT ENTRY**

This matter came to be heard on the application for authority to pay guardian fees. Having reviewed the application and information properly before the Court, the Court finds the fees reasonable and approves the following fees.

IT IS ORDERED that guardian fees in the amount of \$ \_\_\_\_\_ are approved.

\_\_\_\_\_  
Kristen K. Johnson, Judge

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Trust of \_\_\_\_\_ Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

Application for Trustee's Fees

Now comes the undersigned attorney who makes application for the allowance of trustee fees  
in the total amount of \$\_\_\_\_\_. This amount is based on the following:

Income from realty and personalty:

6% of first \$1,000.00 \$ \_\_\_\_\_

4% of next \$4,000.00 \$ \_\_\_\_\_

2% of all income over \$5,000.00,  
a total of \$ \_\_\_\_\_ \$ \_\_\_\_\_

Corpus of the Trust:

\$1.50 per \$1,000.00 on first \$500,000.00  
(if under \$500,000.00, show corpus x \$1.50  
per \$1,000.00 thereof) \$ \_\_\_\_\_

\$1.00 per \$1,000.00 on balance over  
\$500,000.00 \$ \_\_\_\_\_

Distribution:

1% of principal distributed during this  
Accounting period, \$ \_\_\_\_\_  
(based upon reasonable market value at  
time of distribution) \$ \_\_\_\_\_

TOTAL TRUSTEE'S FEE ALLOWABLE BY COURT \$ \_\_\_\_\_

TOTAL TRUSTEE'S FEE REQUESTED \$ \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Trustee Signature

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE COMMON PLEAS COURT, PROBATE DIVISION  
HANCOCK COUNTY, OHIO

Trust of \_\_\_\_\_ Case Number: \_\_\_\_\_

For the accounting period of \_\_\_\_\_ to \_\_\_\_\_

**JUDGMENT ENTRY**

This matter came to be heard on the application for authority to pay trustee fees. Having reviewed the application and information properly before the Court, the Court finds the fees reasonable and approves the following fees.

IT IS ORDERED that trustee fees in the amount of \$ \_\_\_\_\_ are approved.

\_\_\_\_\_  
Kristen K. Johnson, Judge